

SENATE BILL 2805

By Roberts

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 5; Section 68-11-209 and Section 71-3-107, relative to the Uniform Administrative Procedures Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-5-202(a)(2), is amended by deleting "joint government operations committee of the house of representatives and the senate" wherever it appears and substituting "government operations committee of the senate and the standing committee of the house of representatives".

SECTION 2. Tennessee Code Annotated, Section 4-5-202(a)(2)(C)(ii), is amended by deleting "joint government operations committee" and substituting "government operations committee of the senate and the standing committee of the house of representatives".

SECTION 3. Tennessee Code Annotated, Section 4-5-213, is amended by deleting subsections (b) and (c) and substituting:

(b) By December 1, 2023, and every eight (8) years thereafter, a department with rules promulgated and published on the secretary of state's website pursuant to § 4-5-220, or with an administratively attached agency with rules promulgated and published on the secretary of state's website pursuant to § 4-5-220, shall submit a report of the department's chapters in effect as of July 1 of the year that the report is due to the chair of the government operations committee of the senate and the chief clerk of the house of representatives. The chief clerk of the house of representatives shall determine the appropriate standing committee to review each report according to the topic matter of the report and submit the report to the appropriate chair of the standing committee. The report includes:

(1) A brief description of the department's operations that each chapter affects;

(2) For each rule in a chapter, the rule's administrative history, including, but not limited to, the original date the rule was promulgated and the date the rule was last amended;

(3) A determination of whether each rule in the chapter should:

(A) Be amended or repealed;

(B) Be reviewed further; or

(C) Continue in effect without amendment; and

(4) A determination of whether each rule in the chapter adheres to current state and federal law, to court rulings, and to any other standards that affect the rule.

(c) The department shall certify the report submitted under this section. If a department intentionally makes a false statement in the report, then the government operations committee of the senate and the standing committee of the house of representatives, meeting jointly or separately, may vote to request the general assembly to repeal a rule, or suspend any or all of the department's rulemaking authority for any reasonable period of time or with respect to any particular subject matter, by legislative enactment.

SECTION 4. Tennessee Code Annotated, Section 4-5-215, is amended by deleting subsection (b) and substituting:

Prior to the effective date of a rule, the senate government operations committee or the standing committee of the house of representatives may stay the running of the ninety-day period required by § 4-5-207 for a period of time not to exceed ninety (90) days. If the standing committee of the house of representatives and the government

operations committee of the senate acting jointly determine that subsequent stays are necessary, then the joint committee may issue consecutive stays, each for an additional ninety (90) day period, so long as such stays do not extend beyond the fifth legislative day of the year following the year in which the rule is filed with the office of the secretary of state. A stay is effective when the respective committee files written notice with the secretary of state, and the respective committee shall specify the length of effectiveness of the stay. Prior to the expiration date of the stay, such stay may be withdrawn by the respective committee. Withdrawal or expiration of the stay reactivates the running of the balance of the ninety-day period that remained upon the date the stay was filed.

SECTION 5. Tennessee Code Annotated, Section 4-5-226, is amended by deleting subsection (c) and substituting:

Rules promulgated pursuant to this chapter must be reviewed by the government operations committee of the senate and the standing committee of the house of representatives meeting jointly or separately, or, alternatively, at the discretion of the chair of either of such committees, by a subcommittee of the government operations committee of the senate or the standing committee of the house of representatives. Members of the government operations committee of the senate and the standing committee of the house of representatives serve as members of such committees until their successors are duly appointed; provided, that the members remain members of the general assembly. Any member of the government operations committee of the senate or the standing committee of the house of representatives who ceases to be a member of the general assembly ceases to be a member of the respective government operations committee of the senate or the standing committee of the house of representatives on the same date the member's membership in the general assembly ceases, as provided in the Constitution of Tennessee. In the event a majority of the

membership of the government operations committee of the senate or the standing committee of the house of representatives ceases to be members of the general assembly, the speaker of the senate or the speaker of the house of representatives, as the case may be, may designate an appropriate number of members to serve interim appointments until the government operations committee of the senate and the standing committee of the house of representatives is reconstituted. The government operations committee of the senate and the standing committee of the house of representatives shall strive to hear rules within ninety (90) days of such rules being filed in the office of the secretary of state.

SECTION 6. Tennessee Code Annotated, Section 4-5-226(k), is amended by deleting "government operations committee" and substituting "government operations committee of the senate and the standing committee of the house of representatives".

SECTION 7. Tennessee Code Annotated, Section 4-5-230, is amended by deleting subdivision (a)(1) and substituting:

On July 1 of each year, each agency that is subject to review under chapter 29 of this title shall submit a list of all policies that have been adopted by the agencies in the past year to the chair of the government operations committee of the senate and the chief clerk of the house of representatives. The chief clerk of the house of representatives shall determine the appropriate standing committee to review each policy according to the topic matter of the policy and submit the policy to the appropriate chair of the standing committee.

SECTION 8. Tennessee Code Annotated, Section 4-5-403, is amended by deleting "government operations committees of the senate and the house of representatives" and substituting "government operations committee of the senate and the standing committee of the house of representatives".

SECTION 9. Tennessee Code Annotated, Title 4, Chapter 5, Part 2, is amended by adding the following as a new section:

The chief clerk of the house of representatives shall determine the appropriate standing committee of the house of representatives to review each rule pursuant to this chapter according to the topic matter of the rule.

SECTION 10. Tennessee Code Annotated, Section 68-11-209(a)(2), is amended by deleting the third sentence of the subdivision and substituting:

The department shall present the substance of the rules in hearings before the health committee of the house of representatives and the health and welfare committee of the senate before the hearing of the rules in accordance with the Uniform Administrative Procedures Act.

SECTION 11. Tennessee Code Annotated, Section 71-3-107(h), is amended by deleting the second sentence of the subsection and substituting:

Prior to such deadline, the affected governmental entity shall submit written comments to the secretary of state for filing with the applicable rule.

SECTION 12. This act takes effect July 1, 2022, the public welfare requiring it.